

**REMARKS**

I. STATUS OF THE CLAIMS

New dependent claims 8-11 are added.

In view of the above, it is respectfully submitted that claims 1-4 and 8-11 are currently pending.

II. REJECTION OF CLAIMS 1-4 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY EITHER DIGIOVANNI, SUGAYA (IEICE) OR FAKE

1. Sugaya (IEICE)

The Examiner rejects the claims over Sugaya (IEICE) under 35 USC 102(b), thereby indicating that Sugaya (IEICE) was published more than one year before the filing date of the present application. However, Sugaya (IEICE) shows a publication date of July 1995, whereas the present application claims domestic priority to the great-grandparent application filed May 28, 1996. Therefore, the publication date of Sugaya (IEICE) is less than one year from the domestic priority date of the present application. Accordingly, it is respectfully submitted that the rejection should be under 35 USC 102(a), and not 35 USC 102(b).

Moreover, a Declaration is submitted herewith, indicating that the "inventive entities" of the present application and Sugaya (IEICE) are the same. Since the "inventive entities" are the same, it is respectfully submitted that a rejection under 35 USC 102(a) in view of Sugaya (IEICE) is not appropriate.

In view of the above, it is respectfully submitted that the rejection under 35 USC 102 in view of Sugaya (IEICE) is overcome.

2. DiGiovanni

The present invention as recited, for example, in claim 3, relates to an optical amplifier with a configuration to amplify a WDM optical signal with substantially equal gain over the wavelengths of the optical signals in the WDM optical signal. The optical amplifier includes (a) a first-stage optical amplifier which amplifies the WDM optical signal, (b) a level controller which controls a power level of the WDM optical signal amplified by the first-stage optical amplifier, and (c) a second-stage optical amplifier which amplifies the WDM optical signal of which level is controlled

by the level controller.

Please note that claim 3 (and each of the other claims) specifically recites the amplification of a "WDM" optical signal. DiGiovanni does not relate to amplification of a WDM optical signal.

For example, column 3, lines 1-3, of DiGiovanni disclose that:

"The probe power from the tunable fiber laser was held constant at -27 dBm and the wavelength was tuned from 1546 to 1562 nm."

Further, column 3, lines 36-45, of DiGiovanni, disclose that:

"The fiber laser wavelength was varied from 1540 nm to 1562 nm in two nm steps. For each fiber laser wavelength, spectra of the output of each amplifier were taken from which both the output power and the optical SNR, the ratio of the signal to ASE in a 0.1 nm bandwidth, were measured. FIG. 3 shows the superposition of all the spectra taken after the fourth amplifier in chain. Each individual spectrum occupies 5 nm."

Therefore, the spectra in FIG. 3 of DiGiovanni is not that of a WDM light, but is instead the superposition of individual spectrum obtained by varying the laser wavelength in steps.

For example, in FIG. 1A of DiGiovanni, a fiber laser does not output all the lights having spectra shown in FIG. 2 at the same time, but outputs only a single light having a tuned wavelength in a range of 1540 nm to 1562 nm. In other words, in FIG. 1A of DiGiovanni, each amplifier does not amplify a WDM optical signal which includes a plurality of optical signals with different wavelengths, but simply amplifies a single optical signal.

Therefore, DiGiovanni does not disclose an optical amplifier with a configuration to amplify a WDM optical signal with substantially equal gain over the wavelengths of the optical signals in the WDM optical signal as recited, for example, in claim 3.

In view of the above, it is respectfully submitted that the rejection under 35 USC 102 in view of DiGiovanni is overcome.

### 3. Fake

Fake does NOT disclose the amplification of a WDM optical signal. For example, no portion of Fake discloses or suggests that the amplified optical signal is a WDM optical signal.

Fake discloses the use of WDM couplers 18 and 19. See FIG. 1 of Fake. However, WDM couplers 18 and 19 are used to provide pump light to the optical fiber. See, for example, column 3, lines 51-63, of Fake. The use of WDM couplers 18 and 19 does not disclose or suggest that the

amplified signal light is a WDM optical signal.

No portion of Fake discloses or suggests that a WDM optical signal is amplified with substantially equal gain over the wavelengths of the optical signals in the WDM optical signal as recited, for example, in claim 3.

In view of the above, it is respectfully submitted that the rejection under 35 USC 102 in view of Fake is overcome.

III. REJECTION OF CLAIMS 1-4 UNDER 35 USC 102(A) AS BEING ANTICIPATED BY EITHER SUGAYA (OAA) OR MELI

1. Sugaya (OAA)

A Declaration is submitted herewith, indicating that the "inventive entities" of the present application and Sugaya (OAA) are the same. Since the "inventive entities" are the same, it is respectfully submitted that a rejection under 35 USC 102(a) in view of Sugaya (OAA) is not appropriate.

In view of the above, it is respectfully submitted that the rejection under 35 USC 102 in view of Sugaya (OAA) is overcome.

2. Meli

As indicated above, the present invention as recited, for example, in claim 3, relates to an optical amplifier with a configuration to amplify a WDM optical signal with substantially equal gain over the wavelengths of the optical signals in the WDM optical signal.

Meli does not disclose or suggest an optical amplifier having a configuration to amplify a WDM optical signal with substantially equal gain over the wavelengths as recited, for example, in claim 3.

In view of the above, it is respectfully submitted that the rejection under 35 USC 102 in view of Meli is overcome.

IV. IDS

Please note that an IDS was filed concurrently herewith.

It is respectfully requested that the Examiner acknowledge the IDS.

V. CONCLUSION

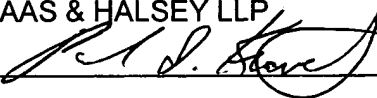
In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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